

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JAMES KELLY,) CASE NO. C08-0261-MJP-MAT
)
Plaintiff,)
) ORDER DENYING MOTION FOR
v.) APPOINTMENT OF COUNSEL
)
REED HOLTGEERTS, et al.,)
)
Defendants.)
_____)

This matter comes before the Court on Plaintiff's motion for appointment of counsel. The Court, having considered the motion and the remainder of the record, does hereby find and ORDER:

(1) There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both

01 the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro*
02 *se* in light of the complexity of the legal issues involved. *Wilborn*, 789 F.2d at 1331.

03 Plaintiff has not demonstrated that his case involves exceptional circumstances which
04 warrant appointment of counsel at the present time. Although he asserts that he does not know
05 the law very well and that appointed counsel would give him the opportunity for representation
06 equally qualified with counsel provided by the State for the defendants, Plaintiff has neither
07 demonstrated a likelihood of success on the merits nor shown that he is unable to articulate his
08 claims himself because of complexity of the issues.

09 (2) Accordingly, Plaintiff's motion for appointment of counsel (Dkt. # 19) is DENIED.

10 (3) The Clerk shall send copies of this order to Plaintiff, to counsel for the defendants,
11 and to the Honorable Marsha J. Pechman.

12 DATED this 11th day of June, 2008.

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15 Mary Alice Theiler
16 United States Magistrate Judge
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